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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/032,508	10/27/2001	Senthil Kumar	REIM-0001	3871

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EXAMINER	
HOSSAIN, TANIM M	

ART UNIT	PAPER NUMBER
2145	

DATE MAILED: 09/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/032,508	KUMAR ET AL.	
	Examiner	Art Unit	
	Tanim Hossain	2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 July 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 7-10, and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Kauffman et al. (U.S. 2002/0073084).

As per claim 1, Kauffman teaches that for use with a computer network, a media and advertisement distribution and tracking system, comprising: a media server that distributes media to remote players via said computer network playback rules, said remote players configured to convert said media to audio or video content for listening or viewing by an audience (paragraphs 0002, 0016, 0017); an advertisement server that distributes advertisements to said remote players via said computer network according to corresponding advertising schedules (0009, 0022); and a tracking subsystem that retrieves as-run logs from said remote players via said computer network and generates media and advertisement play reports and advertisement billing reports therefrom (0010, 0018).

As per claim 2, Kauffman teaches the system as recited in claim 1, wherein said media server adjusts said playback rules based on said media play information (0017).

As per claim 3, Kauffman teaches the system as recited in claim 1, wherein said advertisement server adjusts said advertising schedules based on said advertisement play information (0019).

As per claim 7, Kauffman teaches the system as recited in claim 1, wherein said computer network is the Internet (0017).

Claims 8, 9, 10, and 14 are rejected on the same bases as claims 1, 2, 3, and 7 respectively, as claims 8, 9, 10, and 14 constitute the method of implementation for the system of claims 1, 2, 3, and 7 respectively.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 4 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kauffman in view of DiLorenzo (U.S. 6,256,554).

As per claim 4, Kauffman teaches the system as recited in claim 1, but does not specifically teach that the playback rules are governed by location of players, establishment type, demographics, history, and time considerations. DiLorenzo teaches a media player in a hotel establishment that offers media selections based on location, which governs establishment type, demographics, history, and time considerations (column 6, lines 25-43). It would have been

obvious to one of ordinary skill in the art at the time of the invention to include the ability to discriminate the media offered by the system based on specific factors, as taught by DiLorenzo in the system of Kauffman. This way, only media that would likely be desired be offered, such that there is no wastage of resources offering media that would not likely be requested. This would lead to further efficiency of the invention. Both inventions lie in the same field of endeavor, namely a user-controlled media player.

Claim 11 is rejected on the same basis as claim 4, as claim 11 is a method of implementation of the system of claim 4.

Claims 5 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kauffman in view of Kurtzman, II et al. (U.S. 6,144,944).

As per claim 5, Kauffman teaches the system as recited in claim 1, wherein said advertising schedules are based on aspects selected from the group consisting of: sequence, time of day, date, day of week, month of year, and season of year (0021). Kauffman does not specifically teach that the schedules are based on player location, establishment type, demographics, and proximity to media content. Kurtzman, II teaches advertisement engines which offer advertisements based on location of interest, including an establishment type, demographics, and relevance to media (column 3, line 57 – column 4, line 4; column 4, line 64 – column 5, line 15; column 6, lines 22-36). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the ability to discriminate the advertisement offered by the system based on specific factors, as taught by Kurtzman, II in the system of Kauffman. This way, only advertisements that would likely interest the user be shown, to allow for targeted

advertising, leading to further efficiency of the invention. There would be few wasted advertisements. Both inventions are from the same field of endeavor, namely the targeted advertising through the use of a network.

Claim 12 is rejected on the same basis as claim 5, as claim 12 is a method of implementation of the system of claim 5.

Claims 6 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kauffman in view of Vermeire et al. (U.S. 2001/0044855).

As per claim 6, Kauffman teaches the system as recited in claim 1, wherein said advertising server comprises an interface that allows advertisers to view ones of said media and advertisement play reports and advertisement billing reports (0021). Kauffman does not specifically teach that the advertisement server comprises an interface where advertisers can upload advertisements directly, and control advertising schedules. Vermeire teaches the ability for advertisers to upload advertisements directly, and to choose scheduling for the advertisements (paragraph 0020). It would have been obvious to one of ordinary skill in the art at the time of the invention to allow advertisers to directly choose where advertisements will be inserted, as taught by Vermeire in the system of Kauffman. The motivation for doing so lies in the fact that allowing advertisers to control their advertisement would allow for further efficiency of the invention because the advertisers would have the freedom to specifically target certain customers for their product or service on the fly, to enable efficient marketing. Both inventions are from the same field of endeavor, namely the efficient advertising between media viewing.

Claim 13 is rejected on the same basis as claim 6, as claim 13 is a method of implementation of the system of claim 6.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kauffman in view of Chung (U.S. 2002/0046279).

As per claim 15, Kauffman teaches that for use with a computer network, a media and advertisement distribution and tracking system, comprising: a media server that distributes media to remote players via the Internet according to corresponding playback rules, said remote players configured to play back said music for listening by an audience (paragraphs 0016, 0017); an advertisement server that distributes advertisements to said remote players via the Internet according to corresponding advertising schedules (0009, 0022); and a tracking subsystem that retrieves as-run logs via the Internet from said remote players and generates media and advertisement play reports and advertisement billing reports therefrom (0010, 0018). Kaufmann does not specifically teach the existence of a skin server that distributes skins. Chung teaches a skin server storing and delivering skins (paragraph 0009). It would have been obvious to one of ordinary skill in the art at the time of the invention to include a skin server delivering skins as taught by Chung in the system of Kauffman. The motivation for doing so lies in the fact that adding skins can give the Kauffman's media player a more personalized and attractive feel, allowing for possible ease of use. Both inventions are from the same field of endeavor, namely the network enabled delivery of personalized information.

Claim 16 is rejected on the same basis as claim 2, combined with Chung.

Claim 17 is rejected on the same basis as claim 3, combined with Chung.

Claim 18 is rejected on the same basis as claim 4, combined with Chung.

Claim 19 is rejected on the same basis as claim 5, combined with Chung.

Claim 20 is rejected on the same basis as claim 6, combined with Chung.

Response to Arguments

Applicant's arguments filed July 6, 2005 have fully been considered, but are not persuasive. Applicant asserts that the media player and the caching inserter are two separate entities, and therefore cannot be viewed as one system, which therefore renders the independent claim 1 patentable. Examiner respectfully disagrees. In Kauffman, paragraph 0003, the media player may be embodied in a TV, set top box, or computer system. Paragraph 0009 also states that the caching inserter may be placed at the end user, within the system of the media player, disposed in the TV, set top box, or computer system. Paragraph 0010 discloses that user information, or as-run logs, are collected from the end user. Because the player may be embodied in a TV, computer, or set top box, and the caching inserter may also be located there, it is submitted that the two objects form the same system, and because they are part of the same system, they constitute "remote players".

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tanim Hossain whose telephone number is 571/272-3881. The examiner can normally be reached on 8:30 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571/272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tanim Hossain
Patent Examiner
Art Unit 2145

RUPAL DHARIA
SUPERVISORY PATENT EXAMINER